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LIBERTY INSURANCE CORPORATION
erroneously sued as LIBERTY MUTUAL INSURANCE
and LIBERTY MUTUAL INSURANCE CORPORATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DARLENE CARTER, an individual; and)	CASE NO.: 2:19-cv-01779-APG-BNW
DAVID BIANCO, an individual)	
)	STIPULATION AND ORDER FOR
Plaintiffs,)	THIRTY (30) DAY EXTENSION OF
)	DATES WITHIN SCHEDULING ORDER
vs.)	
)	[FIFTH REQUEST]
LIBERTY MUTUAL INSURANCE, a foreign)	
entity, LIBERTY INSURANCE)	
CORPORATION, a foreign corporation,)	
DOES I –X, ROE CORPORATIONS I-X,)	
inclusive,)	
)	
Defendants.)	

COME NOW, Defendant, LIBERTY INSURANCE CORPORATION *erroneously sued as* LIBERTY MUTUAL INSURANCE and LIBERTY MUTUAL INSURANCE CORPORATION (hereinafter also referred to as “Liberty Mutual” or “Defendant”), by and through its attorneys, the law firm of KOELLER, NEBEKER, CARLSON & HALUCK, LLP, and Plaintiffs, DARLENE CARTER and DAVID BIANCO (hereinafter “Plaintiffs”), by and through their attorneys of record, Steven Mack, Esq., of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP and hereby submit this joint stipulated request to extend the time for the remaining discovery deadlines by thirty (30) days.

As an initial matter, the parties specifically note for the Court the instant request to extend time and discovery is in direct response to impacts upon witness availability, and

1 specifically availability of plaintiff's for depositions and resulting delay for analysis of their
2 testimony as stated was desired by plaintiff's litigation expert witnesses. In particular, the prior
3 scheduled deposition for Ms. Carter, and completion of the deposition of Mr. Bianco as
4 previously scheduled to complete prior to the close of discovery were delayed due to the
5 emergency need for each to temporarily leave the state to provide care to family.

6 **A. Statement of Completed Discovery.**

7 The parties have performed initial disclosures of witnesses and documents as well as
8 supplemental disclosures of documents that were obtained via subpoenas to non-parties. The
9 Defendant served subpoenas for records from the Custodian of Records for non-parties
10 Affordable Home Services d/b/a D Best Plumbing, Ariat Roofing, Inc., Belfor USA Group,
11 Inc., City of Las Vegas Department of Building & Safety, DALLASWHITE Corporation,
12 Desert Home Electric, Eco Electric, FieldAware, Innovation Group, Nevada Contractors Board,
13 TLC Roof Services, and Williams Electric. Of the non-parties served with subpoenas,
14 Affordable Home Services d/b/a D Best Plumbing, Belfor USA, City of Las Vegas Department
15 of Building and Safety, DALLASWHITE Corporation, Desert Home Electric, Eco Electric,
16 FieldAware, Innovation Group, TLC Roof Services, and Williams Electric have responded and
17 provided documents. The parties subject to subpoenas requested extensions of time to respond
18 to provide documents, resulting in delayed receipt of materials. All of the documents received
19 in response to subpoenas have been produced to Plaintiffs. Defendant also commenced
20 deposition of Plaintiff David Bianco, and was previously scheduled to depose Plaintiff Darlene
21 Carter, and to complete deposition of Plaintiffs' experts. Whereas deposition of Mr. Bianco
22 commenced October 28, 2020, the deposition could not complete at that time due to electronic
23 transmission issues related to conduct of the deposition via zoom.

24 Plaintiffs also served interrogatories and requests for production of documents, and
25 responses have been served. Plaintiffs and Defendant have also retained litigation consultants;
26 Plaintiffs have also served subpoenas on Innovative, Belfor and Dallaswhite. Plaintiffs have
27 also conducted multiple depositions including Innovative representatives, Belfor
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1 representatives, Dallswite representatives, Defendant's experts, and Defendant's
2 representative, August Nardoni, and employees, Matt Degelormo, and Wanda Chambers.

3 **B. Statement of Discovery that Remains to be Completed.**

4 Defendant commenced deposition of Plaintiff David Bianco, and was previously
5 scheduled to depose Plaintiff Darlene Carter, and to complete deposition of Plaintiffs' experts.
6 Whereas deposition of Mr. Bianco commenced October 28, 2020, the deposition could not
7 complete at that time due to electronic transmission failures related to conduct of the deposition
8 via zoom. Whereas deposition of Ms. Carter was scheduled to proceed November 9, 2020, the
9 deposition was continued due to a family emergency requiring both Plaintiffs to travel to care
10 for family (in Michigan). Related to those delays, Plaintiffs' designated expert, Joanna Moore,
11 has stated need to analyze the deposition testimony of Plaintiffs for her opinions, resulting in
12 corresponding delay of that deposition. Ms. Moore also stated need to complete analysis of
13 deposition testimony of Defendant personnel Matt Degelormo and Wanda Chambers for her
14 opinions and testimony, and was awaiting receipt of transcription of those materials which had
15 not yet been provided by the stenographer at the time of prior attempt for her deposition. The
16 parties are in agreement to permit those depositions to proceed and conclude to address these
17 issues.

18 **C. Statement Supporting the Necessity of Extending Dates within the Scheduling
19 Order.**

20 Prior extensions and delays were encountered and requested to accommodate both
21 parties' adherence to guidance of the Center for Disease Control and the Court for
22 implementation of restrictions to avoid spread and contraction of spread of COVID-19. Those
23 challenges in turn contributed to initial delay and then further family emergency delay occurred
24 due to Plaintiffs' need to leave the state to care for family. The stated need for Plaintiffs'
25 litigation expert to analyze the deposition testimony by Plaintiffs and Defendant's personnel
26 resulted in corresponding delay for deposition of the expert witness that was otherwise
27 previously scheduled. These interruptions and delays have been beyond the control of counsel
28 and the parties, and were not anticipated, and the parties are in agreement to permit the
depositions to proceed and conclude to address the prejudice from the unintended obstructions.

1 The parties submit the emergent and unanticipated family needs and their agreement to
2 cooperate to address the resulting complications warrant extension as requested herein, and for
3 which the parties have already agreed to schedule the remaining proceedings to complete
4 within.

5 **D. Proposed Revised Schedule**

6 With a thirty (30) day discovery extension of the remaining discovery deadlines, as well
7 as the total time for discovery, the new discovery cut-off date will be **January 18, 2021**. The
8 Parties propose to extend the remaining discovery deadlines in this case by thirty (30) days, and
9 the resulting changes to the scheduling order will result in the following:

10 Close of Discovery: Currently, the close of discovery is December 18, 2020. The
11 proposed cut-off date is **January 18, 2021**, although expert report updates could extend
12 beyond this date depending on the completion of the depositions.

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Dispositive Motions: Dispositive motions will be made no later than **February 18, 2021**, which does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR26-1(b)(4) presumptively sets for filing dispositive motions.

Pretrial Order: The Joint Pretrial Order shall be filed by **March 18, 2021**, which is no later than thirty (30) days after the date set for the filing of dispositive motions.

DATED this 18th day of December, 2020.

DATED this 18th day of December, 2020.

KOELLER, NEBEKER, CARLSON
& HALUCK, LLP

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

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DARLENE CARTER and DAVID
BIANCO

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: December 22, 2020.

Respectfully Submitted by:

KOELLER, NEBEKER CARLSON
& HALUCK, LLP

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